

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEROME JUNIOR WASHINGTON,

Plaintiff,

v.

DAVID DURST, LPM, *et al.*,

Defendants.

No. 4:22-CV-01243

(Chief Judge Brann)

ORDER

AND NOW, this 11th day of June 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Plaintiff's motion (Doc. 52) for leave to amend is **GRANTED**.
2. The Clerk of Court is directed to docket Plaintiff's proposed second amended complaint (Doc. 52-1) as Plaintiff's second amended complaint.
3. Plaintiff's second amended complaint is **DISMISSED** with prejudice as to all Defendants pursuant to 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.
4. In the event that Plaintiff attempts to appeal *in forma pauperis* from this Order under the exception provided by Federal Rule of Appellate Procedure 24(a)(3), he may not do so. Plaintiff "is not otherwise entitled to proceed in forma pauperis"¹ because he has incurred at least 3 strikes under 28 U.S.C. § 1915(g). That is, Plaintiff "has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was

¹ FED. R. APP. P. 24(a)(3)(A).

dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted,”² and he is not “under imminent danger of serious physical injury.”³

5. Defendants’ motion to dismiss (Doc. 47) is **DISMISSED** as moot in light of paragraphs 1 through 3 above.
6. The Clerk of Court is directed to CLOSE this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge

² 28 U.S.C. § 1915(g); see *Washington v. Weiner*, 2:16-cv-2487 (E.D. Pa.); *Washington v. Weber*, 4:21-cv-1746 (M.D. Pa.); *Washington v. Myers*, 4:22-cv-1858 (M.D. Pa.); *Washington v. Wright*, 2:22-cv-1201 (W.D. Pa.); *Washington v. Britte*, 2:22-cv-1202 (W.D. Pa.); *Washington v. Kennedy*, 2:22-cv-1203 (W.D. Pa.); *Washington v. Patrone*, 2:22-cv-1204 (W.D. Pa.); *Washington v. Silversmith*, 2:22-cv-1205 (W.D. Pa.); *Washington v. Rowe*, 4:23-cv-00124 (M.D. Pa.); *Washington v. Salamon*, 4:23-cv-1659 (M.D. Pa.).

³ 28 U.S.C. § 1915(g).